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JONATHAN BROWNING, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JONATHAN BROWNING, INC., a California
corporation,

Plaintiff,

v.

VENETIAN CASINO RESORT, LLC., a Nevada
limited liability company; LAS VEGAS SANDS,
LLC., a Nevada limited liability company; LAS
VEGAS SANDS CORP., a Nevada corporation;
and DOES 1 through 100, inclusive,

Defendants.

No. C 07-3983 JSW

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Date: November 9, 2007
Time: 9:00 a.m.
Place: Courtroom 2, 17th Floor
Judge: Honorable Jeffrey S. White

1 Plaintiff Jonathan Browning, Inc. hereby requests the Court to take judicial notice
 2 pursuant to Federal Rule of Evidence 201 of the document filed with this Request for Judicial
 3 Notice.

4 Judicial notice may be taken at any stage of the proceeding. Fed. R. Evid. 201(f);
 5 *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (A matter that is properly the
 6 subject of judicial notice may be considered along with the complaint when deciding a motion to
 7 dismiss for failure to state a claim.) Judicial notice is mandatory “if requested by a party and
 8 [the court is] supplied with the necessary information.” Fed. R. Evid. 201(d).

9 Pursuant to Federal Rule of Evidence 201, Jonathan Browning requests that the
 10 Court take judicial notice of a civil complaint filed by the Venetian Casino Resort, LLC against
 11 Naked Belly Productions and W. Gregory Catalano on March 26, 2003 in the Northern District
 12 of California, Case No. C 03-01307 JL. A true and correct copy of the Complaint is attached
 13 hereto as **Exhibit A**.

14 Under Federal Rule of Evidence 201, judicial notice is properly taken of prior
 15 proceedings and papers on file with another court. *United States ex rel. Robinson Rancheria*
 16 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (court took judicial notice of
 17 proceedings, filings and final judgment of a state court); *Mullis v. United States Bankr. Ct.*, 828
 18 F.2d 1385, 1388 n.9 (9th Cir. 1987) (holding that “pleadings, orders and other papers on file”
 19 with another court are subject to judicial notice under Fed. R. Evid. 201); *see also Rothman v.*
 20 *Gregor*, 220 F.3d 81, 92 (2d Cir. 2000) (taking “judicial notice of the . . . complaint as a public
 21 record” when submitted by plaintiff in their papers in opposition to motion to dismiss). Here, the
 22 Venetian’s complaint is on file in this Court.

23 The attached complaint is relevant to Defendants’ motion to dismiss for lack of
 24 personal jurisdiction. As Jonathan Browning explains in its accompanying opposition to
 25 Defendants’ motion to dismiss, the Venetian’s complaint in Case No. C 03-01307 sets forth facts
 26 that show that general jurisdiction exists in this Court over the Venetian, and the Venetian is
 27 estopped to deny those facts.

28 /

1 Accordingly, Jonathan Browning respectfully requests that the Court take judicial
2 notice of the Venetian's complaint previously submitted to this Court.

3 DATED: October 3, 2007

4 BINGHAM MCCUTCHEN LLP

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6
7 By: /s/ Thomas S. Hixson
8 Thomas S. Hixson
9 Attorneys for Plaintiff
JONATHAN BROWNING, INC.

10 DATED: October 3, 2007

11 DOLL AMIR & ELEY LLP

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13
14 By: /s/ Gregory L. Doll
15 Gregory L. Doll
16 Attorneys for Plaintiff
17 JONATHAN BROWNING, INC.
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